

# APPENDIX A

## NON-PATENT LITERATURE RELATING TO ELECTRONIC TRANSACTION TECHNOLOGY

The following reference generally relates to electronic transaction technology. It has been included in the IDS because it is believed to relate to validating a bid format, which is at least potentially relevant to several of the claim limitations.

NON-PATENT LITERATURE	SOURCE
"Merchant Accounts and Key Management", <u>Open Market, Inc., Appendix E, mailed to the USPTO October 24, 1994</u> , 13 pgs	PUBLICATION

## NON-PATENT LITERATURE RELATING TO ECONOMIC MARKETS

The following references generally describe background information on the subject of economic markets. The references have been included in the IDS because they are believed to relate to electronic trading techniques, which are at least potentially relevant to several of the claim limitations.

NON-PATENT LITERATURE	SOURCE
<u>American Law Institute, Draft-Uniform Commercial Code Revised Article 2 (Sales0, Parts 2, 3 and 7, printed from</u> <u><a href="http://www.kentlaw.edu/ulc/uniform/uccart2/chap2/ucc2c237.html">http://www.kentlaw.edu/ulc/uniform/uccart2/chap2/ucc2c237.html</a></u>	PUBLICATION
SMITH, V., et al., "Competitive Market Institutions: Double Auctions vs Sealed Bid-Offer Auctions", <u>The American Economic Review</u> , (March 1982), Vol. 72, No.1	PUBLICATION
SMITH, V., "Auctions, Bidding and Contracting: Uses and Theory--An Experimental Comparison of Alternative Rules for Competitive Market Exchange", <u>New York University Press</u> , (1983), pp. 307-334	PUBLICATION

## NON-PATENT LITERATURE RELATING TO ELECTRONIC TRADING

The following references describe various types of electronic trading techniques. The references have been included in the IDS because they are believed to relate to electronic auctions, which are at least potentially relevant to several of the claim limitations.

NON-PATENT LITERATURE	SOURCE
"Affinity Traders Online Business Plan", (08/18/1995), 29 pgs	PUBLICATION
TRAUB, "", <u>MTG: All Editions Rare and Uncommon Auction, rec.games.deckmaster</u> , (05/09/1994), 9 pgs	PUBLICATION
"Chicago Firm Offers Internet Brokerage Services", <u>Simba Information, Inc., Media Daily</u> , (12/21/1994), Section No. 342, Volume 2	PUBLICATION
"Google Newsgroup RE: press/Digital and Open Market Partner to do Business Over the Internet", <u>Digital Press &amp; Analysis News</u> , (11/07/1994), 3 pgs	PUBLICATION
"FCC Will Allow Remote Electronic Bidding in October 26 Narrowband PCS Auction", <u>Common Carrier Week</u> , (10/10/1994), 2 pgs	PUBLICATION
"Preview Media and America Online Announce New Travel Services for America online Subscribers", <u>PR Newswire</u> , (02/07/1995), 3 pgs	PUBLICATION
BAKOS, J. Y., "A Strategic Analysis of Electronic Marketplaces", <u>MIS Quarterly Volume 15, No. 3</u> , (September 1991), p. 295-310	PUBLICATION

# APPENDIX A

BATY, J., et al., "InterShop: Enhancing the Vendor/Customer Deialectic in Electronic Shopping", <u>Journal of Management information Systems Vol. II, No.4.</u> , (1995), pp. 9-31	PUBLICATION
CHABROW, E., "A New Era Is Brokered In", <u>Information Week</u> , (09/18/1995), 3 pgs	PUBLICATION
CHURBUCK, D., "Dial-A-Catalog", <u>Forbes</u> , (10/10/1994), p. 126-130	PUBLICATION
CLARKE, R., "The Strategice Intent of Online Trading Systems a Case Study in National Livestock Marketing", <u>Xamax Consultancy Ltd.</u> , (08-16-92), 22 pgs	PUBLICATION
COHEN, D., "Computerized Commerce", <u>Proceedings of the IFIP World Camputer Congress Held 8/28-9/1 1989, Reprinted From Information Processing 89</u> , (October 1989), 27 pgs	PUBLICATION
DAVIES, S. A., "Treasury auction to 'go live' with computer tenders. (Treasury Automated Auction Processing System, or TAAPS)(Public securities association supplement)", <u>Bond Buyer v. 304, n2914</u> , (04/29/1993), 5 pgs	PUBLICATION
ELMER-DEWITT, P., "Battle for the Soul of the Internet", <u>Time Magazine Cover Story Technology Section</u> , (07/26/1994), 10 pgs	PUBLICATION
TETZELI, R., "Electronic Storefronts on the Internet", <u>Fortune</u> , (11/28/1994), p. 191	PUBLICATION
<u>INTERNET PRESENCE, INC. Newsgroup Posting RE: ANNOUNCE: Internet ShopKeeper</u> , (08/02/1994), 2 pgs	PUBLICATION
"First Auction Wins the Bid for Online", <u>Internet Shopping Network.</u> , (01/07/2002), 4 pgs	PUBLICATION
JOHNSON, et al., "Automated double oral auctions using IBM PC network", <u>Association for Computing Machinery, CSC '86 Cincinnati Proceedings</u> , (Feb. 1986), p. 507	PUBLICATION
KAPLAN, S. J., " <u>Intermart</u> : the Virtual Shopper's Paradise", <u>Intermart</u> , (12/07/1994), 17 pgs	PUBLICATION
OBRAZKA, K., et al., "Internet Resource Discovery", (September 1993), p. 8-22	PUBLICATION
OMIDYAR, P., "Google Newsgroup RE: AuctionWeb: Interactive Web Auction", (09/12/1995), 3 pgs	PUBLICATION
"What's new at eBay's Auction Web", <u><a href="http://web.archive.org/web/19981202085151/http://www.ebay.com/aw/update.html">http://web.archive.org/web/19981202085151/http://www.ebay.com/aw/update.html</a></u> , AuctionWeb What's New, (05/18/2005), 6 pgs	PUBLICATION
HENG-WAH, CHOY, "", <u>Declaration of Choy Heng-Wah Regarding BidBroker Software - an Electronic Auction System filed in MercExchange, LLC v. eBayInc., et al., Case No. 2:01-CV-736 (E.D. Va)</u> , (03/08/2002), 13 pgs	TRIAL/DECLARATIONS
<u><a href="http://www.webopedia.com/TERM/d/daemon.html">http://www.webopedia.com/TERM/d/daemon.html</a></u> , (6/2/04), 2 pgs	PUBLICATION
MCGOOKIN, STEPHEN, "Home-based brokers stay on-line via the Internet - The number of personal on-line brokerage accounts...", <u>The Financial Times Limited; Financial Times (London, England)</u> , (11/01/1995), p. 13	PUBLICATION
"AMIX Demo Screen Shots", <u>Dan Bricklin's Demo 11 Computer Program</u> , Sage Software, (Copyright 1990, 1991), 49 pgs.	PUBLICATION
"Deposition of Pierre Omidyar", <u>MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division, Civil Action No. 2:01-CV-736</u> , (06/04/2002), 14 pgs	TRIAL/DEPOSITIONS

# APPENDIX A

## NON-PATENT LITERATURE RELATING TO ELECTRONIC COMMERCE INTERFACES

The following references generally describe various types of electronic commerce interfaces. The references have been included in the IDS because they are believed to relate to catalog pages, which are at least potentially relevant to several of the claim limitations.

NON-PATENT LITERATURE	SOURCE
"prodigy outline Internet Plans, Launches Services 09/24/94", <u>Newsbytes News Network</u> , (09/29/1994), 3 pgs	PUBLICATION
"Spry's Air Mosaic Express Provides Internet Access to World Wide Web", <u>The PC Netter</u> , (12/01/1994), Volume 9, No. 12	PUBLICATION
RESNICK, P., et al., "Twenty-Second Annual Telecommunications Policy Research Conference: Papers Section 2", <u>Solomons, MD</u> , (October 1-3, 1994), p. 1-23	PUBLICATION
OBRACZKA, K., et al., "Internet Resource Discovery", (September 1993), p. 8-22	PUBLICATION
TENENBAUM, J., et al., "Development of Network Infrastructure and Services For Rapid Acquisition", (01/02/1992), 19 pgs	PUBLICATION
TETZELI, R., "Electronic Storefronts on the Internet", <u>Fortune</u> , (11/28/1994), p. 191	PUBLICATION
VOELKER, et al., "Mosaic: an information system for a mobile wireless computing environment", <u>IEEE</u> , (1995), pp. 185-190	PUBLICATION
GRANT, G., "Mosaic Communications Unveils Network Navigator and Server Software for the Internet", (09/01/1994), 3 pgs	PUBLICATION
<u>INTERNET PRESENCE, INC. Newsgroup Posting RE: ANNOUNCE: Internet ShopKeeper</u> , (08/02/1994), 2 pgs	PUBLICATION
"A Beginner's Guide to HTML", <u>NCSA/pubs@ncsa.uiuc.edu, Appendix A, mailed to the USPTO October 24, 1994</u> , 11 pgs	PUBLICATION

# APPENDIX A

## NON-PATENT LITERATURE RELATING TO THE '265 WOOLSTON PATENT

The following references may characterize the '265 patent, which has been used as a reference to reject claims of the various related applications being examined.

NON-PATENT LITERATURE	SOURCE
"Deposition of Thomas Woolston", <u>MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division, Civil Action No. 2:01-CV-736, (04/16/2002), 52 pgs</u>	TRIAL/DEPOSITIONS
"Video Deposition of Thomas Woolston", <u>MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division, Civil Action No. 2:01-CV-736, (06/18/2002), 79 pgs</u>	TRIAL/DEPOSITIONS
"Video Deposition of Thomas Woolston, Volume 2", <u>MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division, Civil Action No. 2:01-CV-736, (06/19/2002), 79 pgs</u>	TRIAL/DEPOSITIONS
"Video Deposition of Thomas Woolston, Volume 3", <u>MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division, Civil Action No. 2:01-CV-736, (06/20/2002), 80 pgs</u>	TRIAL/DEPOSITIONS
"Corrected Brief of Appellants", <u>In the United States Court of Appeals for the Federal Circuit, Case No. 03-1600, -1616, MercExchange, L.L.C. v. eBay, Inc. and Half.com, Inc., (01/06/2004), 70 pgs</u>	TRIAL/BRIEFS

## NON-PATENT LITERATURE RELATING TO THE '375 SALMON PATENT

The reference below has been included in the IDS because it is believed to relate the '375 patent issued to Salmon, which is referenced in the question of validity of the '265 patent in reexamination of the Woolston patents and in court documents pertaining to the MercExchange v. eBay litigation. The '365 patent may relate to features that are disclosed in the '265 patent, which may at least potentially be relevant to several of the present claim limitations.

NON-PATENT LITERATURE	SOURCE
SHAMOS, M. J, "Expert Report of Michael Ian Shamos Regarding Materiality of Prior Art Reference Not Disclosed by Patentee", <u>filed by eBay, (09/23/2002), 10 pgs</u>	TRIAL/EXPERT REPORTS

# APPENDIX A

## NON-PATENT LITERATURE RELATING TO NUMISMATISTS

The following reference generally relate to interactive coin auctions. The reference has been included in the IDS because it is believed to describe auction operations, which may at least potentially be relevant to several of the claim limitations.

NON-PATENT LITERATURE	SOURCE
"Affinity Traders Online Business Plan", (08/18/1995)	PUBLICATION

## NON-PATENT LITERATURE RELATING TO ONSALE TECHNOLOGY

The following group of references generally relate to technology previously developed and used by Onsale. The references have been included in the IDS because they are believed to describe operations of the Onsale system, which may at least potentially be relevant to several of the claim limitations.

NON-PATENT LITERATURE	SOURCE
"Deposition of Alan Fisher, Volume 1", <u>MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division, Civil Action No. 2:01-CV-736</u> , (06/18/2002)	TRIAL/DEPOSITION
"Deposition of Alan Fisher, Volume II", <u>MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division, Civil Action No. 2:01-CV-736</u> , (06/19/2002)	TRIAL/DEPOSITION
"Deposition of Jerry Kaplan", <u>MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division, Civil Action No. 2:01-CV-736</u> , (06/18/2002), 49 pgs	TRIAL/DEPOSITION
"Video Deposition of Thomas Woolston, Volume 3", <u>MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division, Civil Action No. 2:01-CV-736</u> , (06/20/2002)	TRIAL/DEPOSITION
KAPLAN, S. J., " <u>Intermart</u> : the Virtual Shopper's Paradise", Intermart, (12/07/1994), 17 pgs	PUBLICATION